

For the Northern District of California

Respondent .

'The loss of good time credits is the subject of a 2241 habeas petition currently pending before Judge Phyllis Hamilton, CV 11-3383PJH. Were he to prevail in that action, this Motion would then be moot as Hedlund's September 13, 2011 release date would then be restored.

1 Hedlund is clear in his papers that he is not seeking
2 a furlough from prison or a temporary release, both of which are
3 acknowledged to be under the sole authority of the Bureau of
4 Prisons. Instead he seeks an "interruption" of his sentence, which
5 would allow him to leave the prison for a specified period of time
6 for the specific purpose of visiting his grandfather. Hedlund
7 asserts that the Court has authority to grant an interruption of a
8 sentence under the All Writs Act, 28 U.S.C. § 1651. To support
9 this proposition, he cites to several unpublished opinions from
10 District courts outside the Ninth Circuit.
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12 There is no controlling case law in the Ninth Circuit
13 addressing whether the All Writs Act confers jurisdiction on a
14 court to grant an Interruption of Sentence. As noted, there are
15 some district court cases outside this Circuit that discuss that
16 issue. See e.g. Bania v. Federal Bureau of Prisons, 2011 WL 882096
17 (D. Minn.); United States v. Greer, 2010 WL 3279335 (E.D. Wis.);
18 United States v. Reed, 2008 WL 4822045 (C.D. Ill.).
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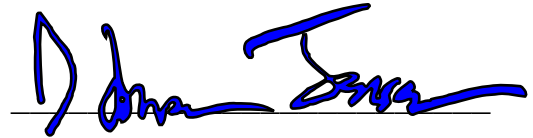
20 Courts considering this argument have found that the All
21 Writs Act does not independently confer jurisdiction on a court to
22 grant an Interruption of Sentence. See Bania, Greer and Reed,
23 supra. This Court concurs in finding that the All Writs Act does
24 not confer independent jurisdiction on a court to grant an
25 Interruption of Sentence. Moreover, assuming *arguendo* the Court
26 did have jurisdiction over matters of compassionate release which
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1 was independent of the traditional authority of the Bureau of
2 Prisons in such matters, this Court would not exercise its
3 discretion to grant Hedlund the requested interruption. As noted
4 by the court in Greer, "absence from family affairs is one of the
5 ordinary incidents of incarceration." Greer, 2010 WL 3279335 at
6 p.1.
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8 Therefore, Hedlund's Motion for Emergency Relief in the form
9 of an "Interruption of Sentence" is DENIED.
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12 IT IS SO ORDERED
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15 Dated: September 9, 2011



16 D. Lowell Jensen
17 United States District Judge
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